

\*\*E-filed 1/31/08\*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 07-00612 JF
	)	
Plaintiff,	)	<b>[PROPOSED] ORDER REFERRING</b>
	)	<b>DEFENDANT TO BUREAU OF</b>
v.	)	<b>PRISONS FOR MENTAL EVALUATION</b>
	)	<b>PURSUANT TO 18 U.S.C. §§ 4241</b>
ABEL LAMAS PACHECO,	)	<b>AND 4247</b>
	)	
Defendant.	)	
_____	)	

Defendant, Abel Lamas Pacheco, appeared before the Court on January 16, 2008, at which time defense counsel declared a doubt regarding the defendant's competence to proceed. The Court stated that based on its own observations regarding the defendant, a mental examination appeared warranted.

Accordingly, pursuant to 18 U.S.C. §§ 4241 (a) and (b), the Court HEREBY ORDERS that the defendant be designated to a suitable medical facility within the Bureau of Prisons, to be evaluated with respect to his competence. The defendant shall promptly be transported by the U.S. Marshals to said facility. The Court further orders that a report be prepared and filed with the Court pursuant to 18 U.S.C. §§ 4247 (b) and (c).

A further status hearing is set in this matter for February 13, 2008. In the event that the

1 evaluation has not been completed by that date, the parties shall so advise the Court.

2 IT IS FURTHER ORDERED THAT the period of time from January 16, 2008, to  
3 February 13, 2008, shall be excluded from the period of time within which trial must commence  
4 under the Speedy Trial Act, 18 U.S.C. § 3161 et seq, because time is needed for the defendant's  
5 mental examination.

6 Dated: 1/31/08

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JEREMY FOGEL  
United States District Judge